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FEDERAL MARITIME COMMISSION

 **ORIGINAL**

DOCKET NO. 14-02

FILED

JUL 16 2014

Federal Maritime Commission
Office of the Secretary

**OCEANIC BRIDGE INTERNATIONAL, INC. –
POSSIBLE VIOLATIONS OF SECTION 10(a)(1)
OF THE SHIPPING ACT OF 1984**

**BUREAU OF ENFORCEMENT'S
RESPONSE TO ORDER TO SUPPLEMENT RECORD**

The Bureau of Enforcement (BOE) submits this response to the directive contained in the Order To Supplement The Record served July 2, 2014 (Order). This proceeding is presently pending on BOE's Motion For Decision On Default filed June 13, 2014 (Motion) as a consequence of Respondent Oceanic Bridge International, Inc.'s (Respondent or Oceanic Bridge) failure to answer the Commission's Order of Investigation and Hearing, BOE's discovery, or the Notice of Default and Order to Show Cause issued by the Administrative Law Judge (ALJ). As evidence in support of its original Motion, BOE submitted the Verified Statements of Nash D. Asandas and Michael F. Carley, BOE's First Requests For Admission Directed To Oceanic Bridge International, Inc. and exhibits attached thereto. (See Motion, p.1). Oceanic Bridge has not responded to the Motion and the evidence submitted by BOE remains unrefuted on the record.

The Order states that “additional information is necessary for a full and complete record on which to base a decision.” Despite submission of evidence unrefuted in the record, including matters conclusively established under the procedures of 46 C.F.R. 502.207,¹ BOE is directed to provide certain information including copies of specified documents, some of which have confidential status or contain confidential information. The documentation required by the Order was not included in BOE’s evidentiary submission inasmuch as its substantive and relevant content was specifically embraced by the direct and sworn testimony of the BOE witnesses , conclusively established as fact by Respondent’s admissions, and, in the case of documents on file with the Commission, not required to be entered into the formal record under provisions of the Commission’s Rules of Practice and Procedure, 46 C.F.R. Part 502.

BOE submits that the evidence currently of record, as filed by BOE, amply satisfies its burden to establish the identified violations of the Shipping Act and the imposition of the civil penalties sought by the requisite preponderance of the evidence. Solely to meet the directives of the Order, BOE appends hereto the ordered documents. As the July 2 Order does not cite any deficiencies in the existing record, BOE does not request that these materials be entered into the evidentiary record as it appears such entry is neither necessary nor required.

1. Oceanic Bridge’s Application for a License as an Ocean Transportation Intermediary

Attached as Appendix 1. As this application contains personally identifiable information, BOE hereby files these materials under seal for inspection and review by the ALJ. See 46 C.F.R. §502.13(c), (e). As a document on file with the Commission, such document may be received by reference pursuant to 46 C.F.R. §502.161.

¹ See also, *OC International Freight, Inc. et al, - Possible Violations*, 32 S.R.R. 1783, 1790-91 (FMC 2013).

2. Relationship Between Ray Tang and Mr. Tong Tang

During informal compromise discussions with Oceanic Bridge, BOE dealt with Mr. Ray Tang, an individual who produced written authorization for him to negotiate on Respondent's behalf. BOE has no knowledge of the relationship between Mr. Ray Tang and Mr. Tong Tang, the QI of Oceanic Bridge.

3. California Record Indicating Dissolution of Respondent

Attached as Appendix 2 is the relevant page from the website maintained by the California Secretary of State at kepler.sos.ca.gov which may be officially noticed pursuant to Rule 226, 46 C.F.R. §502.226.

4. Service Contracts Addressed in Verified Statements and Requests for Admission

Attached as Appendix 3 are the 4 required contracts and amendments as they appear in the SERVCON database. The specific service contracts and relevant content were addressed in detail in the Verified Statements of AR Nash Asandas and DFI Michael Carley, as well as the requests for admission. The sworn testimony of the witnesses and the facts conclusively established by Respondent's admissions provide undisputed evidence of violations and the otherwise applicable ocean transportation charges on the subject shipments.

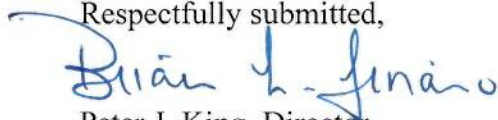
In view of the confidentiality of the entirety of Respondent's service contracts, 46 U.S.C. § 40502(b) and 46 C.F.R. §530.4, and the impracticality of redaction, BOE believes that filing copies of the contracts would be duplicative of the evidence already

summarized concisely in the record, which has not been disputed by Respondent.² Nonetheless, in compliance with the July 2 Order, BOE is submitting copies of the contracts for inspection and review by the ALJ, without redaction. See 46 C.F.R. §502.13(c), (e). Should the ALJ prefer to independently verify the contract rates, terms or provisions, those contracts are directly available for the ALJ's review in the SERVCON database³ and may be received as evidence by reference without actual filing, under 46 C.F.R. §502.161.

5. OBI Shipping, Inc. Settlement Agreement.

Attached as Appendix 4. The OBI compromise agreement is publicly available through the Office of the Secretary.

Respectfully submitted,



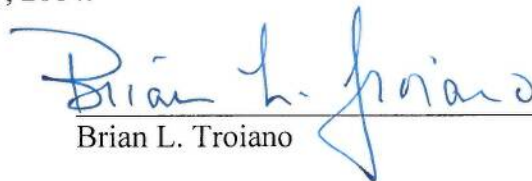
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² BOE also believes that such filing is inconsistent with the Commission's recent amendments to its rules reducing and eliminating document filing requirements which were designed "to reduce the burden on parties to Commission proceedings, and to reduce paper waste." Docket No. 11-02, *Amendments to Commission Rules of Practice and Procedure*, 37 FR 10258 (Feb. 24, 2011).

³ While the July 2 Order indicates that the ALJ believes he does not have access to service contracts on SERVCON, BOE has confirmed with the Commission's Office of Information Technology (OIT) that all Commissioners, Commission staff and Administrative Law Judges have access to the SERVCON database through the Commission's secure Intranet system.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon Oceanic Bridge International, Inc., 18725 E. Gale Ave., #233, City of Industry, CA 91748, by first class U.S. mail with postage prepaid this 16th day of July, 2014.


Brian L. Troiano